

DETAILED ACTION

Claims 1-17 and 21-23 are pending in the instant application. Claims 18-20 were cancelled by amendment filed on September 12, 2008. Claims 1-17 and 21-23 are allowed.

Response to Amendment

The amendment to the claims filed on September 12, 2008 has been considered and entered into the application. The grounds of rejection set forth in the office action dated July 9, 2008 are moot in view of Applicant's amendment. Therefore, the 35 USC 112 1st paragraph rejections are withdrawn.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows: in claims 1, 16 and 17 (page 3, line 6 for claim 1; page 8, line 11 for claim 16; and page 11, line 20 for claim 17), the word "dehydrate" should be replaced with "dihydrate."

REASONS FOR ALLOWANCE

The following is an examiner's reasons for allowance. The instantly claimed processes for preparing compounds of formulas I and Ia are novel and non-obvious over the prior art because the closest prior art is US 2003/0162787 and the process disclosed in this application (i.e. Scheme 1, page 53) involves the use of a protecting group, therefore, it is longer than the instantly claimed

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processes. The processes disclosed in the instant claims do not involve the use of protecting groups so they are not within the scope of the process disclosed in US 2003/0162787 nor are they obvious variants.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTIN BIANCHI whose telephone number is (571)270-5232. The examiner can normally be reached on Mon-Fri 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on 571-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Kamal A Saeed, Ph.D./
Primary Examiner, Art Unit 1626

Kristin Bianchi
Examiner
Art Unit 1626
